

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

X

NARRATIVE ARK ENTERTAINMENT LLC,

Case No.: CV 16-6109-VB

Plaintiff,

v.

**NOTICE OF THIRD PARTY
DEFENDANT SCOTT D. FULOP'S
MOTION TO DISMISS THE THIRD
PARTY COMPLAINT OF ARCHIE
COMIC PUBLICATIONS, INC.**

ARCHIE COMIC PUBLICATIONS, INC.

and SEGA OF AMERICA, INC.

Defendants

X

ARCHIE COMIC PUBLICATIONS, INC.,

Electronically Filed

Third Party Plaintiff

-against-

NARRATIVE ARK ENTERTAINMENT LLC,

Counterclaim Defendant

SCOTT D. FULOP,

Third Party Defendant

X

PLEASE TAKE NOTICE THAT, upon the pleadings on file with the Court and the accompanying Memorandum of Law in Support and C, Third Party Defendant Scott D. Fulop,

will and hereby does move the Court before the Honorable Vincent L. Bricetti, at the United States Courthouse, 300 Quarropas Street, Room 630, White Plains, New York, 10601, on a date and time to be determined by the Court, for an order striking and dismissing The Third Party Complaint of Archie Comic Publications, Inc. against Scott D. Fulop with prejudice pursuant to Rule 14 of the Federal Rules of Civil Procedure, on the ground that the Third Party Complaint was not timely filed in accordance with Rule 14 of the Federal Rules of Civil Procedure.

Fulop bases his motion on this Notice of Motion, the accompanying Memorandum in Support of this Motion, all other pleadings and papers on file in this action, any matters which this Court may take judicial notice, and such other evidence and argument as may be presented at or before the hearing on this matter.

Dated: February 8, 2017

Respectfully submitted,

Law Offices of Neil Burstein

By: /nab/

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Counsel for Plaintiff

February 8, 2017

CERTIFICATE OF ELECTRONIC FILING

I hereby certify that on February 8, 2017, the foregoing Notice of Motion to Dismiss was filed electronically. Notice of this filing was sent to all parties by operation of the Court's electronic filing system. Parties may access this filing via the Court's system.

s/Neil Burstein

Neil Burstein